

THURSDAY, MARCH 20, 2003

TWENTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Ann Robins of Logan's Chapel in Maryville, Tennessee, a guest of Senator Clabough.

PLEDGE OF ALLEGIANCE

Senator Clabough led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

STANDING COMMITTEE REPORT

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend that Senate Bill No. 437 be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson
March 19, 2003

The Speaker announced that he had referred Senate Bill No. 437 to Committee on Finance, Ways and Means.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2001 by Senator Harper.

Sunset Laws -- Regional transportation authority, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 8.

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Senate Bill No. 2002 by Senator Harper.

Sunset Laws -- Interstate corrections compact, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 23.

Senate Bill No. 2003 by Senator Williams.

Grainger County -- Subject to local approval, revises procedures for budgeting and financial management. Amends Chapter 502 of the Private Acts of 1939, as amended, and Chapter 232 of the Private Acts of 1980, as amended.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 1998 referred to Committee on State and Local Government.

Senate Bill No. 1999 held on desk.

Senate Bill No. 2000 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolution was filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 190 by Senators McNally, Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Mr. Speaker Wilder and Williams.
General Assembly, Statement of Intent or Position -- Expresses support of General Assembly for men and women of United States Military, especially those deployed in Middle East.

Senate Joint Resolution No. 191 by Senator Crowe.
Memorials, Death -- Dr. Howell H. Sherrod.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 186 -- Memorials, Academic Achievement -- Garrett Davis Gifford, Valedictorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 186 to Committee on Calendar.

Senate Joint Resolution No. 187 -- Memorials, Academic Achievement -- Kelli Angel, Salutatorian, Gordonsville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 187 to Committee on Calendar.

Senate Joint Resolution No. 189 -- Memorials, Professional Achievement -- Thomas A. Vartan.

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The Speaker announced that he had referred Senate Joint Resolution No. 189 to Committee on Calendar.

Senate Resolution No. 21 -- Memorials, Recognition -- Support of India.

The Speaker announced that he had referred Senate Resolution No. 21 to Committee on Finance, Ways and Means.

Senate Resolution No. 22 -- Memorials, Public Service -- Brittany McGruder, Prudential Spirit of Community Award.

The Speaker announced that he had referred Senate Resolution No. 22 to Committee on Calendar.

Senate Resolution No. 23 -- Memorials, Academic Achievement -- Quinten Terrell Barlow, National Dean's List.

The Speaker announced that he had referred Senate Resolution No. 23 to Committee on Calendar.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 1796 -- Sequatchie County -- Subject to local approval, repeals private purchasing acts.

On motion, Senate Bill No. 1796 was made to conform with **House Bill No. 1672**.

On motion, House Bill No. 1672, on same subject, was substituted for Senate Bill No. 1796.

Senate Bill No. 1983 -- Hickman County -- Subject to local approval, authorizes levy and collection of privilege tax on new residential, industrial and commercial development.

On motion, Senate Bill No. 1983 was made to conform with **House Bill No. 2062**.

On motion, House Bill No. 2062, on same subject, was substituted for Senate Bill No. 1983.

Senate Bill No. 1986 -- Hardeman County -- Subject to local approval, removes requirement of purchase order and requisition for expenditures of less than \$300. Amends Chapter 68 of the Private Acts of 1937; as amended.

On motion, Senate Bill No. 1986 was made to conform with **House Bill No. 2066**.

On motion, House Bill No. 2066, on same subject, was substituted for Senate Bill No. 1986.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 32
Noes 0

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 26 -- Memorials, Sports -- The Imperials.

House Joint Resolution No. 148 -- Memorials, Public Service -- McMinn County High School.

House Joint Resolution No. 149 -- Memorials, Personal Achievement -- Brittany McGruder, Prudential Spirit of Community Award Distinguished Finalist.

House Joint Resolution No. 150 -- Memorials, Personal Occasion -- Henry Hoodenpyle, 109th birthday.

House Joint Resolution No. 151 -- Memorials, Professional Achievement -- Herman Tacker.

House Joint Resolution No. 152 -- Memorials, Personal Achievement -- Joshua Steven Latta, Eagle Scout.

House Joint Resolution No. 153 -- Memorials, Personal Achievement -- Daniel Kremer, Eagle Scout.

House Joint Resolution No. 154 -- Naming and Designating -- "West Tennessee Polled Hereford Association Day," March 15, 2003.

House Joint Resolution No. 155 -- Memorials, Public Service -- City of Tullahoma Tree Board.

House Joint Resolution No. 156 -- Memorials, Congratulations -- Better Business Bureau of Middle Tennessee.

House Joint Resolution No. 157 -- Memorials, Retirement -- John William Taylor.

Senate Joint Resolution No. 173 -- Memorials, Academic Achievement -- Kelli M. Wilkerson, Valedictorian, Celina High School.

Senate Joint Resolution No. 174 -- Memorials, Academic Achievement -- Jin Shi, Salutatorian, Hendersonville High School.

Senate Joint Resolution No. 175 -- Memorials, Academic Achievement -- Megan Swann, Salutatorian, Macon County High School.

Senate Joint Resolution No. 176 -- Memorials, Academic Achievement -- Lori Rose Dowell, Valedictorian, Smith County High School.

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Senate Joint Resolution No. 177 -- Memorials, Academic Achievement -- Joseph Do, Valedictorian, Lebanon High School.

Senate Joint Resolution No. 178 -- Memorials, Academic Achievement -- Joanne D'Onofrio, Salutatorian, Mt. Juliet High School.

Senate Joint Resolution No. 182 -- Memorials, Personal Achievement -- Joe Adkins.

Senate Joint Resolution No. 183 -- Memorials, Professional Achievement -- 100 Black Men of Bradley County, Inc.

Senator Crowe moved that all Senate Joint Resolutions be adopted and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 742 -- Energy -- Allows municipalities to issue revenue bonds to purchase electrical power from Tennessee Valley Authority. Amends TCA Title 7, Chapter 34.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "(5)" in the amendatory language of Section 1 and substituting instead the language "(3)".

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 742**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 764 -- Hospitals and Health Care Facilities -- Permits dentist licensed in Tennessee and certified by American Board of Oral and Maxillofacial Pathology to be lab director without obtaining additional medical laboratory licensure. Amends TCA Title 63, Chapter 5 and Title 68, Chapter 29.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 29, is amended by adding the following language as a new section:

Section 68-29-137. In addition to other persons permitted by law or rule to be medical laboratory directors, a dentist licensed in this state, certified by the American Board of Oral and Maxillofacial Pathology and certified in oral pathology by the Tennessee board of dentistry shall be qualified to serve as a medical laboratory director limited to the specialty of oral pathology without obtaining medical laboratory licensure in addition to the dentist's professional license.

SECTION 2 This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 764**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Person moved that **Senate Bills Nos. 791** and **792** be placed on the calendar for Thursday, April 3, 2003, which motion prevailed.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of March 24, 2003, be adopted and made the action of the Senate, which motion prevailed.

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**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MARCH 24, 2003**

MONDAY – March 24

5:00 p.m. Session – Senate Chamber

TUESDAY – March 25

8:00 a.m. – 10:30 a.m. Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m. State & Local Government Committee
12:30 p.m. – 1:30 p.m. Lunch
1:30 p.m. – 3:30 p.m. Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m. Judiciary Committee

WEDNESDAY – March 26

8:00 a.m. – 9:30 a.m. Education Committee
9:30 a.m. – 10:30 a.m. General Welfare, Health & Human Resources
10:30 a.m. – 11:30 a.m. Environment, Conservation & Tourism Committee
11:30 a.m. – 12:30 p.m. Lunch
12:30 p.m. – 1:30 p.m. Transportation Committee
1:30 p.m. – 2:30 p.m. Government Operations Committee
2:30 p.m. Senate Caucuses
3:00 p.m. Session – Senate Chamber

THURSDAY – March 27

9:00 a.m. Session – Senate Chamber

OTHER MEETINGS:

Monday, March 24, 2003 – Council on Pensions & Insurance
1:30 p.m. – Room 29 LP

Monday, March 24, 2003 – Oversight Committee on TennCare
3:00 p.m. – Room 12/14 LP

Tuesday, March 25, 2003 – Commerce, Labor & Agriculture Pre-Meeting
7:30 a.m. – Third Floor Conference Room

Thursday, March 27, 2003 – Oversight Committee on TennCare
10:00 a.m. – Room 12/14 LP

PRESENTATION

Major General Jerry Humble, Director of Homeland Security, and Major General Gus Hargett, Adjutant General, Tennessee Department of Military, made a presentation.

MOTION

Senator McNally moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 190**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 190 -- General Assembly, Statement of Intent or Position -- Expresses support of General Assembly for men and women of United States Military, especially those deployed in Middle East.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 190** was adopted by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

MOTION

Senator Dixon moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 167**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 167 -- Memorials, Professional Achievement -- Willie Elliot Johnson.

On motion of Senator Dixon, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 167** was concurred in by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

MOTION

Senator Atchley moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 160**, out of order, which motion prevailed.

RESOLUTION LYING OVER

On motion of Senator Atchley, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 160** was concurred in.

A motion to reconsider was tabled.

MOTION

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 190**.

On motion of Senator Burchett, his name was added as sponsor of **House Joint Resolution No. 160**.

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolution No. 26**.

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolution No. 149**.

On motion of Senators Harper and Dixon, their names were added as sponsors of **Senate Joint Resolution No. 183**.

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 151 and 154**.

On motion of Senator Cohen, his name was added as sponsor of **House Joint Resolution No. 151**.

ENGROSSED BILLS

March 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 173, 174, 175, 176, 177, 178, 182 and 183; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 190, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 742 and 764, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 347 and 1528, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 68, 433 and 841; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 128, 131, 141, 143, 145, 146, 149, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 169, 171 and 188; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 158, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 160, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 167, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

March 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 128, 131, 141, 143, 145, 146, 149, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 169, 171 and 188; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1672, 2062 and 2066; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 26, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 160 and 167; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

March 20, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 26, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 160 and 167.

SIGNED

March 20, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 128, 131, 141, 143, 145, 146, 149, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 169, 171 and 188.

MESSAGE FROM THE HOUSE

March 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 128, 131, 141, 143, 145, 146, 149, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 169, 171 and 188; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENROSSING CLERK

March 20, 2003

MR. SPEAKER: Your Chief Enrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 128, 131, 141, 143, 145, 146, 149, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 165, 166, 167, 169, 171 and 188; for his action.

PATRICK W. MERKEL,
Chief Enrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 24, 2003: Senate Joint Resolutions Nos. 186, 187 and 189; and Senate Resolutions Nos. 22 and 23.

This the 20th day of March, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 24, 2003: Senate Bills Nos. 941, 946 and 430.

This the 20th day of March, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 24, 2003: Senate Resolution No. 16; and Senate Bills Nos. 149, 1472 and 1901.

This the 20th day of March, 2003.
CROWE, Chairperson.

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ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 5:00 p.m., Monday, March 24, 2003, which motion prevailed.